



## MEMORANDUM

Office of the City Attorney

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**Date:** August 12, 2015  
**To:** Mayor and Members of City Council  
**Cc:** Bryan Montgomery, City Manager; Derek P. Cole, City Attorney  
**From:** William R. Galstan, Special Counsel *William R. Galstan*  
**Subject:** Closed Session Report-Out Memo

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**FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF SEPTEMBER 8, 2015**

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### Background and Analysis

The City Council held a closed session at its meeting of August 11, 2015 pursuant to California Government Code Sec. 54956.9(b) and 54957 for purposes of discussing anticipated litigation involving two potential cases and also involving the performance evaluation of the City Manager.

### Potential litigation

As to one of the two potential cases, no action was taken but direction was given to staff. As to the other potential case, direction was given to commence litigation. The action will be to abate a public nuisance on Carpenter Road. The defendants and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service on one or more unserved parties, GC Sec. 54957.1(a)(2). The vote to approve filing of litigation was 5-0.

### City Manager performance evaluation

The City Council conducted an annual performance evaluation of the City Manager and took no reportable action.

### Fiscal Impact

None.

### Recommendation

Receive and file this report.

### Attachments

None.